

UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA)

v.)

ERIC ROMERO-LOBATO)

Date of Original Judgment: August 25, 2020)
(Or Date of Last Amended Judgment)

AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: 3:18-cr-00049-LRH-CLB

USM Number: 33923-048

Christopher Frey, AFPD
Defendant's Attorney

THE DEFENDANT:

pleaded guilty to counts(s) _____

pleaded nolo contendere to count(s) _____
which was accepted by the court.

***X** was found guilty on Counts 1, 2, 4, 5, 6, and 7 of the Indictment filed 5/30/2018 after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>*Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 1951	Conspiracy to Commit Interference with Commerce by Robbery	3/4/2018	1
18 U.S.C. § 1951	Attempted Interference with Commerce by Robbery	3/4/2018	2
18 U.S.C. § 922(g)(1) and § 924(a)(2)	Felon in Possession of a Firearm	3/4/2018	4
18 U.S.C. § 2119	Carjacking	5/14/2018	5
18 U.S.C. § 924(c)(1)A(ii)	Use of a Firearm During and in Relation to a Crime of Violence	5/14/2018	6
18 U.S.C. § 922(g)(1) and § 924(a)(2)	Felon in Possession of a Firearm	5/14/2018	7

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____
Count(s) _____ is/are dismissed on motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

April 6, 2023

Date of Imposition of Judgment



Signature of Judge

LARRY R. HICKS, United States District Judge

Name and Title of Judge

4/7/23

Date

DEFENDANT: ERIC ROMERO-LOBATO
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IMPRISONMENT

*The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: **One hundred eighty-eight (188) months as to Counts 1, 2, and 4, One hundred eighty (180) months as to Count 5, and One hundred twenty (120) months as to Count 7, all counts to run concurrently with one another, plus Eighty-four (84) months as to Count Six, to run consecutively to all other counts, for a total term of 272 Months.**

The court makes the following recommendations to the Bureau of Prisons:

X The defendant is remanded to the custody of the United States Marshal.
The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. _____ p.m. on _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____.

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to
a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

DEPUTY UNITED STATES MARSHAL

DEFENDANT: ERIC ROMERO-LOBATO
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SUPERVISED RELEASE

*Upon release from imprisonment, you will be on supervised release for a term of **Three (3) years as to Counts 1, 2, 4, 5, and 7 and Five (5) years as to Count 6, all counts to run concurrently.**

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.

☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*

4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, or are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

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STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchukus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the specific risks posed by your criminal record and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the specific risks posed by your criminal record.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office User Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's signature _____

Date _____

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SPECIAL CONDITIONS OF SUPERVISION

1. **Search and Seizure** - You shall submit to the search of your person, property, residence, or automobile under your control by the probation officer or any other authorized person under the immediate and personal supervision of the probation officer, without a search warrant to ensure compliance with all conditions of release.
2. **Deportation Compliance** – If you are ordered deported from the United States, you must remain outside the United States, unless legally authorized to re-enter. If you re-enter the United States, you must report to the nearest probation office within 72 hours after you return.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
*\$600.00	None	None	N/A	N/A
Due and payable immediately.				

The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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Clerk, U.S. District Court
Attn: Financial Officer
Case No. 3:18-cr-00049-LRH-CLB
333 Las Vegas Boulevard, South
Las Vegas, NV 89101

TOTALS	\$ _____	\$ _____
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___ Restitution amount ordered pursuant to plea agreement \$ _____

___ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

___ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

___ the interest requirement is waived for the ___ fine ___ restitution.

___ the interest requirement for the ___ fine ___ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$600.00 due immediately, balance due
 ___ not later than _____, or
 ___ in accordance with _____ C, ___ D, ___ E, or ___ F below; or
- B ___ Payment to begin immediately (may be combined with _____ C, ___ D, or ☒ F below); or
- C ___ Payment in equal _____ (*e.g., weekly, monthly, quarterly*) installments
 of \$ _____ over a period of _____ (*e.g., months or years*), to
 commence _____ (*e.g., 30 or 60 days*) after the date of this judgment; or
- D ___ Payment in equal _____ (*e.g., weekly, monthly, quarterly*) installments
 of \$ _____ over a period of _____ (*e.g., months or years*), to
 commence _____ (*e.g., 30 or 60 days*) after release from imprisonment to a term of
 supervision; or
- E ___ Payment during the term of supervised release will commence within _____ (*e.g., 30 or 60*
 days) after release from imprisonment. The court will set the payment plan based on an assessment of the
 defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

___	Joint and Several Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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___ The defendant shall pay the cost of prosecution.

___ The defendant shall pay the following court cost(s):

☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
See attached Final Order of Forfeiture.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC ROMERO-LOBATO,

Defendant.

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Final Order of Forfeiture

The United States District Court for the District of Nevada entered Preliminary Orders of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2) and 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c), based upon the jury verdicts finding Eric Romero-Lobato guilty of the criminal offenses, forfeiting specific property set forth in the Bill of Particulars and the Forfeiture Allegation of the Indictment and shown by the United States to have the requisite nexus to the offenses to which Eric Romero-Lobato was found guilty. Indictment, ECF No. 11; Bill of Particulars, ECF No. 77; Minutes of Jury Trial, ECF No. 105; Jury Verdict, ECF No. 111; Stipulation to Jury Verdict, ECF No. 113; Preliminary Order of Forfeiture, ECF No. 116; Minutes of Second Jury Trial, ECF No. 170; Second Jury Verdict, ECF No. 176; Second Preliminary Order of Forfeiture, ECF No. 179.

This Court finds that the United States may amend this order at any time to add subsequently located property or substitute property to the forfeiture order pursuant to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

This Court finds the United States published the notice of forfeiture in accordance with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively from August 1, 2019, through August 30, 2019, and from December 18, 2019,

1 through January 16, 2020, notifying all potential third parties of their right to petition the
2 Court. Notice of Filing Proof of Publication, ECF Nos. 120, 180.

3 This Court finds no petition was filed herein by or on behalf of any person or entity
4 and the time for filing such petitions and claims has expired.

5 This Court finds no petitions are pending with regard to the property named herein
6 and the time for presenting such petitions has expired.

7 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
8 all possessory rights, ownership rights, and all rights, titles, and interests in the property
9 hereinafter described are condemned, forfeited, and vested in the United States of America
10 pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (b)(4)(B); Fed. R. Crim. P. 32.2(c)(2); 18
11 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c); and 21 U.S.C. § 853(n)(7) and shall be
12 disposed of according to law:

- 13 1. a Taurus PT111 Millennium G2, 9mm semi-automatic pistol bearing
14 serial number TKR70737;
- 15 2. 24 rounds assorted 9mm ammunition; and
- 16 3. any and all ammunition
17 (all of which constitutes property).

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all
19 forfeited funds, including but not limited to, currency, currency equivalents, certificates of
20 deposit, as well as any income derived as a result of the government's management of any
21 property forfeited herein, and the proceeds from the sale of any forfeited property shall be
22 disposed of according to law.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
24 copies of this Order to all counsel of record.

25 DATED this 16th day of April, 2020.

26
27 
28 HONORABLE LARRY R. HICKS
UNITED STATES DISTRICT JUDGE